

Tab 4

From: Carlon Colker [carlon@peoplepc.com]
Sent: Wednesday, February 06, 2002 3:04 PM
To: BobC@prosourceonline.com
Subject: call record

Bob,

1. Attached is the call record I've been so busy compiling for Brian. I thought you might be interested in reading them. Do keep it confidential and do not distribute it. The same copy was sent to Brian Malloy but he said he will be eliminating the names and phone numbers since they could all be used in the class action suit. I suggest destroying this email and shredding the attached document when you are done reading it. This will protect the names of the callers as well as Cytodyne from any hostile production request.

2. I spoke with Brian and he is awaiting your okay on the review of my intake sheet for the calls being forwarded to me.

3. I just completed a strong declaration for Rich Catalina in the Natrol case. we are gonna stomp those guys!

4. Jon Wilcomb was just contacted by the lawyer in California regarding the class action suit. At his instruction, I have alerted Dr. Shi and Mr. Kalman that they may be called any day to be deposed. Rest assured, we will be prepared and we will win this one as well!

5. Finally, due to Kelly's increasingly bizarre and erratic behavior, I have instructed that all of Melissa's email responses to inquiries from Kelly be cc'd to you. I also will minimize my personal phone call intake from him. With this in mind, you might want to consider minimizing Kelly's role in some way. I have some quality people in mind who are far more competent and loyal to fill his position when you are ready. The bottom line is that, although you might believe his devious behavior is limited to interactions with me, my sense tells me that there may be quite a bit more than meets the eye. I think he has tried to insulate you from a lot and is hiding quite a bit from you. I also feel he has long since tried to position himself as the main route of communication filtering and attempted to prevent direct contact with you (i.e., we don't often know what is robbed from us until we look for it and realize it's not there!). I've seen this many times before, and even once in my own business with a former director I had to let go. Remember that even the great Ceaser has his Brutus. I urge you to please think about what I've said and do be careful.

Carlon

Record of Calls from Cytodyne, Inc. Customers to Dr. Colker

Prepared by Carlon M. Colker, M.D., F.A.C.N.
June 2000 – February 2002

1/30/02

Received a call from _____ phone number _____ forwarded to me by Cytodyne. He said he was throwing up blood last week and had to go to the emergency room where they found his hemoglobin to be 3.8. He described himself as "close to death". They diagnosed him with a severe, life threatening esophageal rupture, managed to stop the bleeding, and have been treating him with drugs. He described himself as a 53 year old male, 5'7" in height, and, 140lbs. He said he started taking Xenadrine back in November of last year. He took only 1 capsule before his workout 1 time each week (usually on a Tuesday). He said he took it for a "burst of energy to get me through the workout" and that the increased energy from the capsule helped him to decrease his total workout time from 1½ hours to about 45 minutes. Although he himself did not seem to feel there was an association between his condition and the Xenadrine he was taking, he thought he would just call and ask. I told him that his condition is somewhat rare and on the order of a Mallory-Weiss tear or a possible Borhove's Syndrome, and that he will need to be under the care of real specialists in the field. I told him that he is lucky to be alive and that conditions like his can be so life-threatening that doctors often put their patients on serious medications for the rest of their lives. Though I did not feel that the 1 capsule of Xenadrine he was taking was causative, I did tell him that (due to the small amount of salicin containing White Willow Bark Extract in Xenadrine) he should refrain from taking it unless his own doctor tells him otherwise.

1/9/02

Received a call from a _____ from the U.S. Probation Office in Norfolk, Virginia phone number _____ called to ask if Xenadrine causes a positive cocaine test. I told him that it certainly does not.

1/8/02

Received a call from a _____ (a private investigator) phone number _____ forwarded to me by Kelly Conklin. He said he took Xenadrine back in August of last year and stopped taking it in October. He said he developed a "chest tightness" some time in September, but that it went away and he never noticed anything since. He was wondering "what I thought". I told him that it was curious that he did not feel it was serious enough at the time to see his doctor or make any calls when it happened. I also told him that I could not understand why, if he thought there was an association between his tightness and Xenadrine, why he continued to use it and only stopped the next month. In addition, I could not see how if Xenadrine was the cause, how he could have continued to use it without incident for a month after that. Nonetheless, I

suggested he refrain from using Xenadrine and see his physician for a careful evaluation even though he has been fine for some time now.

11/29/01

Received a call from a (an internist) work phone number or and cell phone number forwarded to me by Cytodyne. She said she had a patient with abnormal vaginal bleeding and was concerned because she had been taking Xenadrine. She described the patient as being 32 years old, with no other known medical problems, and a very thin dancer. She told me that she had stopped the Xenadrine and was currently investigating the underlying cause of her abnormal vaginal bleed. Since this patient really wanted to stay on Xenadrine she had decided to contact me to ask if I thought she did the right thing in stopping the Xenadrine. I told her that she absolutely did do the right thing in stopping the Xenadrine because it contains a small amount of White Willow Bark Extract (salicin containing). This may be problematic when coupled with any kind of active bleeding condition, the cause of which she is currently investigating in her patient.

11/2/01

A consumer named called and was forwarded to me by Cytodyne. She had a question regarding Reynaud's Syndrome. Since she was recently diagnosed with the condition she thought she would call and ask if we had ever heard of such a case associated with Xenadrine. I told her that I knew of no such relation.

9/27/01

A consumer named called and was forwarded to me by Cytodyne. He said that he was using Xenadrine back in June and developed a kidney stone in July. He said he is fine and has had no problems since, but was just wondering if Xenadrine was the cause. I told him that it was not likely and that taking the Xenadrine when having the stone was probably just coincidental. Even so, I did suggest that he check with his own doctor just to be on the safe side.

9/13/01

Received a call from a from the Iredale Department of Social Services phone number forwarded to me by Kelly Conklin. She asked me about a case of someone under her supervision who claims to have "said things she didn't mean" because she took "twice as much Xenadrine as the label indicates". I told her that anytime one exceeds the tested dose without the supervision and recommendation of their physician, they are taking a risk with their health. That being said, without knowing the particulars of her case, and based purely on her description, I told her that she might want to consider that she might be attempting to make up an excuse to explain her behavior. She actually agreed and said that this is what she suspected even before she called, but just wanted to check.

8/7/01

Got a call from Tracy Chinery from Cytodyne regarding a phone number. She asked me to call her back. I called back and left a detailed message on her machine as to how to contact me, but never got a call back.

7/23/01

Received a call from a phone number forwarded to me by Cytodyne. He asked if Xenadrine could result in a positive urine test for opiates. I told him that the opiates belong to a different class of substances than any ingredient found in Xenadrine. Therefore in my opinion it would be next to impossible for someone taking Xenadrine to have an opiate positive urine test unless they also took some opiate substance. He agreed and said that he just wanted to check.

6/29/01

Received a call from a phone number forwarded to me by Cytodyne. She said she is 28 years old, 5'2", 149lbs., and wears a size 11-12 in women's jeans. She said she started taking Xenadrine 1½(?) years ago and only now has experienced some "problems" which she did not elaborate on. She was not confused, but was very vague and unclear. She said she saw a cardiologist but did not go into detail as to why. It was not clear to me what her question was but I made it clear to her that, should she have any clear question for me, I would do my best to answer it.

6/28/01

Received a call from a phone number from San Jose, California forwarded to me by Cytodyne. He said he is a 34 year old man, 5'7", 182lbs., and has a 34" waist. He said he has been taking Xenadrine for about a year but a few weeks ago developed severe intestinal bleeding for which is seeing his doctor. He was wondering if Xenadrine could have been the cause. I told him that I did not feel that Xenadrine was the cause because he had been taking it for a year without any problems and has only now developed his symptoms. Though not causative in my opinion, I did suggest that he stop taking Xenadrine if he has not already. This was because of his bleeding. He could now be sensitive to the relatively small amount of White Willow Bark Extract in Xenadrine. This extract contains salicin and may be problematic when coupled with any kind of bleeding disorder. I did raise the point that he probably has something else going on and suggested that he follow-up closely with his doctor to investigate the cause.

6/28/01

Received a call from a phone number forwarded to me by Cytodyne who said that her son had been taking Xenadrine for a while but then took an unspecified number of capsules and had to go to the hospital. Her son is 22 years old, 6'4" and ~200lbs. She describes him as only having a 32"

waist and having always been very lean yet still wanting to lose weight and have absolutely no body fat. She said that he began experiencing a rapid heart rate and visual problems. As a result, she took him to the ER. She asked me if I thought he should be taking Xenadrine. I told her that it seemed peculiar and somewhat perilous that such a young and lean person would want to try and lose even more weight and that perhaps he was obsessing over his weight as many young people do. I told her to pay particular attention to the number of pills he took since an overdose of Xenadrine may have been the cause.

6/2/01

Received a call from a [redacted] home phone number [redacted] and cell phone number [redacted] forwarded to me by Cytodyne for "losing hair". She said she is a 40 year old female with a long history of fibromyalgia for which she takes Naproxin. She reported taking Xenadrine for a short time (weeks) about 1 year ago and quite infrequently thereafter. Now, approximately 1 year later, she now believes that the hair loss she is experiencing in the past few weeks is due to the Xenadrine she took. I told her that I thought it was nonsensical to think that Xenadrine could have caused her symptoms based on the time frame we are talking about. Nonetheless, I told her that she should make an appointment to see her doctor to investigate any underlying medical conditions.

5/21/01

Received a call from a [redacted] work phone number [redacted] and home phone number [redacted] forwarded to me by Cytodyne for a "Xenadrine reaction". She said she is a 41 year old female, 5'9", and 231lbs. She tried taking Meridia but didn't like it and got no results. As a result, she started taking Xenadrine. By the time she got through two bottles as directed, she had reduced her weight to 210lbs. but stopped last Thursday because of constipation and hair loss which she thought might have been due to the Xenadrine. I told her that I thought it was unlikely that Xenadrine had caused her symptoms and that she should make an appointment to see her doctor as soon as possible to investigate any underlying medical conditions. On further questioning she mentioned that she also had high blood pressure. I told her that, with that condition alone it did not seem like a good idea to take Xenadrine and I referred her to the warning label. She replied by stating that she had discussed this with her own physician (a Dr. Smith) and that he said "it's okay to take Xenadrine." Nonetheless, I told her that she should go back to this doctor for reassessment and further evaluation.

5/9/01

Received a call from a [redacted] who is a 5'6" female, 115lbs. female from Minneapolis, Minnesota. She was forwarded to me from Cytodyne for a complaint about having missed her period. She reported taking Metabolife 2 years ago and had great results so she decided to try Xenadrine as the bottle directed for 2 months for energy (not weight loss). Last month she missed her

period and was wondering if Xenadrine was the cause. I told her that she might want to investigate with her gynecologist whether she is either pregnant, perhaps she has such a low body weight for her height that it has interfered with normal menstruation, or perhaps something else might be going on. For these reasons I suggested that taking Xenadrine might not be a good idea in my opinion. She mentioned that she saw her gynecologist in March and had a normal PAP smear so she did not think she needed to go again. I disagreed and responded by telling her that this visit was not really relevant being that so much time has passed. She said she understood me and would think about what I said.

5/8/01

Received a call from a _____ phone number _____ forwarded to me by Cytodyne for a bleeding problem. She was taking Xenadrine as the bottle directed for weight loss, but then started to experience vaginal bleeding. I told her that she might be very sensitive to the relatively small amount of White Willow Bark Extract in Xenadrine. This extract contains salicin and may have contributed to her symptoms, so I suggested that she stop taking it. Nonetheless, I did raise the possibility with her that she might have something else going on and that it may be only coincidentally related to her Xenadrine ingestion. As a result, I suggested that she make an appointment to see her gynecologist immediately for a full evaluation. She agreed and said she had actually already made an appointment to see her gynecologist this coming Friday.

5/8/01

Received a call from a _____ phone number _____ forwarded to me by Cytodyne for questions regarding Xenadrine. She reported being 34 years old and having a history of a heart condition (murmur) and clinical depression. Her desire is to take Xenadrine for weight loss but just wanted to check with an expert first. I told her that it was good that she called and very responsible because, loosely based on her reported heart and psychological/psychiatric conditions she should really probably not take the product unless her own physician instructs her to do so and only under that physicians close supervision. I also referred her to the warning label on the product itself for more specifics.

5/8/01

Received a call from a _____ phone number _____ forwarded to me by Cytodyne for a bleeding problem. She is a 20 year-old female from Oceanside, California who started taking Xenadrine 2 weeks ago to lose weight. She started at a dose of 2 capsules per day for 1 week and then increased to 2 capsules twice per day, but then started to experience vaginal bleeding described as being "like a period". I told her that she might be very sensitive to the relatively small amount of White Willow Bark Extract in Xenadrine. This extract contains salicin and may have contributed to her symptoms. Thus I suggested that she stop taking it. Nonetheless, I did raise the possibility with her that she might have something else going on and that it may

be only coincidentally related to her Xenadrine ingestion. As a result, I suggested that she make an appointment to see her gynecologist immediately for a full evaluation. She agreed.

4/2/01

Received a call from a [redacted] phone number [redacted] forwarded to me by Kelly Conklin regarding her daughter. Her daughter is 21 years old and was taking Xenadrine for weight loss and says that last night her lips swelled up after 3 days of taking it. She gave her daughter Atarax even though she wasn't itching because it was all she had in the house last night. Though she said she was better now, she is was still worried so she decided to call Cytodyne. I told her that it was possible that her daughter may have had a bad reaction to Xenadrine and that she refrain from taking it from now on. I also suggested that she use something like Benadryl if her symptoms have persist or re-emerge. Also I emphasized the importance of watching her very closely for any residual symptoms because she might need to get her to an emergency room if she starts to have problems breathing (i.e., anaphylaxis). She agreed and was very appreciative.

4/2/01

Received a call from a [redacted] phone number [redacted] forwarded to me by Kelly Conklin asking me if I had ever heard of Xenadrine causing an increase in a patients prothrombin time (PT). Apparently he has a patient who is a young male athlete (wrestler) who was taking Xenadrine to cut weight and it was found that he had an increased PT. I told him that I was to date unaware of any such association whatsoever and, based on existing pharmacokinetic knowledge of the ingredients in Xenadrine, would find it unlikely that there is any association. Nonetheless, I said I would most would certainly note his observation going forward.

4/2/01

A consumer named [redacted] phone number [redacted] was forwarded to me by Kelly Conklin and called with some questions about Xenadrine. She said she is a 52 year old woman who started taking Xenadrine 6 months ago but after 1 month began feeling "weak and drained". She went to her doctor who told her that he was not sure what was wrong but put her on "some kind of steroids" and is now sending her to the University of Maryland Hospital Medical Center for a further evaluation. I told her that, based on her story, it sounds as if her doctor might think she has some kind of adrenal problem, but that I can't be sure. I suggested she refrain from taking Xenadrine or any other supplement for now without her doctor's approval. I also encouraged her to keep her appointment at the university hospital because she might have a serious problem as evidenced by the fact that her doctor has put her on steroids, that may have nothing to do with Xenadrine.

3/20/01

A consumer named (sp?) from Houston, Texas called, phone number , forwarded to me by Kelly Conklin. She left a message for me to call her back. I called back on 3/21 and spoke to her mother named (sp?) who gave me the work phone number for and told me to call her there. I called and spoke with her. She said she started taking Xenadrine in June of 2000 with no problems and was very happy with the results of her weight loss, but then about a month ago she began experiencing what she thinks are "blood clots" throughout her body. She subsequently stopped taking it 1-2 weeks ago but still has this problem. She is 41 years old, 4'10", and had weighed 250lbs. But with Xenadrine she said she managed to get her weight down to 180lbs. She also said she has not gone to a physician because she can't afford it. She also said she had not seen a doctor "in a long time" also because she has not been able to afford it. I told her that she cannot "afford" to avoid seeing a physician because she may have something seriously wrong with her that may have absolutely nothing to do with Xenadrine. Nonetheless, I suggested she stop investing money in Xenadrine and any other supplements she might be taking, report to the local hospital clinic immediately, and invest that same money in responsible healthcare. She agreed.

3/14/01

A nutritionist named (in pharmacology and nutrition) forwarded to me by Cytodyne called regarding some general questions she had relating to Xenadrine. She is 27 years old, 5'4" in height, and 120lbs. She said she only wanted to lose about 6lbs. She asked some general questions about the ingredients and the existing product-specific research. I did my best to answer her questions and recommend some reading material.

3/13/01

A consumer named phone number was forwarded to me by Kelly Conklin complaining of having suffered "a minor stroke" after using Xenadrine for 3 weeks, yet having stopped taking it 2 weeks ago. I called her back that same day and we spoke. She reported being a 38 year old female complaining of having a stroke and severe joint pain after taking Xenadrine for 3 weeks at a dose of usually 1-3 capsules per day, but occasionally 4. She said that she had stopped taking it about 2 weeks ago. Her story then began to get confusing. She claimed to apparently have taken a single capsule about a week ago for an unclear reason. She claims to then have had "a stroke", the details of which she could not make clear in any way. She denied a hospitalization for the stroke or the care, oversight, and treatment of a physician. She also described her physical condition as "fine" and said she was just "shaken up". She also reported taking Trazodone for a sleep disorder and said she had been addicted for "a long time" to Ephram nasal spray. She claimed that a friend who is a Registered Nurse had told her to start taking Xenadrine. I told her that, based on what she had told me, it was nearly impossible for me to give her productive feedback other than to suggest that she see her physician immediately for a full evaluation. She agreed.

2/26/01

A consumer named _____ phone number _____ was forwarded to me by Kelly Conklin via email claiming that his son _____ took Xenadrine and his heart started pounding and he was taken to the ER. He apparently wanted to know if there were any lasting side effects. Kelly said he gave him my number but that he did not want to call me because it was not a toll free number. I called back and there was no answer and no machine to leave a message. I called again several times on 2/28 but did not reach anyone.

2/22/01

Got a call from a _____ phone number _____ who was forwarded to me by someone at Cytodyne. He left a message on my machine stating that his wife was in the hospital for an unspecified reason and that his doctor's name is _____. I called him back immediately and left a detailed message as to how to contact me if he had any questions.

2/5/01

A consumer named _____ from Illinois phone number _____ was forwarded to me by Michelle Kennedy from Cytodyne. I called back and we spoke. She said she developed a sudden headache, lost vision, went unconscious and collapsed, and was found frothing at the mouth and clenching her teeth (according to witnesses). She was brought to the emergency room where they apparently told her that she "just had a migraine" and sent her home. She said that this has never happened to her before and, since she had just started taking Xenadrine and some vitamins from GNC, was wondering if they could have been the cause. As a result, she contacted the people at Cytodyne, who put her in touch with me. She also reported that, though she had just started taking Xenadrine, she has been taking various ephedrine-based products for years and never had any problems with them. She noted no significant medical history other than the fact that her blood pressure tends to run low. I told her that I felt it was unlikely that Xenadrine had anything to do with her problem and that her episode sounded more like a seizure episode. As a result, I indicated to her that, based purely on her story, this possible new onset seizure episode could be the result of something very serious and she should see her doctor immediately for a thorough evaluation as to the cause. I also told her to stop taking any dietary supplements for the time being until her doctor sees her. She agreed and asked me if this could be the sign of a serious disorder. I told her it was possible but that she should not jump to conclusions until she sees her doctor.

12/11/00

A consumer named _____ phone number _____ was forwarded to me by Kelly Conklin via email claiming that he has a kidney stone and was wondering if the calcium phosphate in the Xenadrine he was taking could have caused it. I called him up and we spoke on 12/12/00. He reported having had a long history of kidney stones (the first one was about 7 years ago).

for ephedrine, this was entirely possible. Though not a traditional work-site test, I told him to double-check with the examiner's results to be sure of what it was he tested positive for. He asked if him or his boss could check back with me and I told him that would be fine, but I never heard from him or his boss.

7/14/00

Got an e-mail from Kelly Conklin regarding a [redacted] phone number who claims he is having lower back and intestinal problems due to Xenadrine. I called him back and spoke with him. He said that he has been taking Xenadrine since May. He also admitted to a history of diverticulitis and said he was having a flair-up ("tics") that he was unsure if it was brought on by the Xenadrine. He also mentioned stopping Xenadrine 2 days ago but has not felt better and that he did not want to go to his doctor (a [redacted]). I told him that I doubted that Xenadrine has anything to do with his flair up of a pre-existing condition, but that he should let his own doctor know about what has gone on ASAP. He agreed.

7/5/00

Got an e-mail from Kelly Conklin regarding a [redacted] phone number who said that she had a reaction to something in Xenadrine. I called her back that same day at 12:30pm and spoke to her. She said that she is 5'2, 170 pounds. She reported having 1 capsule on May 9th and again on May 10th at which time she began feeling itchy. On May 11th she decided to take Benadryl because her itching got worse, and then she went to emergency room. She was seen by doctors in the ER, given Prednisone and was discharged home. She said that she feels fine now but has a \$1500 hospital bill, which she wants Cytodyne to pay for because she feels that this was all due to Xenadrine. I told her that I was glad she felt fine now but that it was difficult for me to determine if Xenadrine was the cause and that it still seemed a bit unlikely given her story. Nonetheless, I told her to abide by the recommendations of her own physician. As far as her monetary claim, I referred her back to Kelly Conklin.

6/28/00

Got an e-mail from Kelly Conklin regarding a [redacted] phone number who complained of boils. On 6/29 I called [redacted] who told me that she now believes that her boils are not due to Xenadrine but due to her sunscreen. I told her that this time of year many people confuse summertime rash with Xenadrine. This is because people want to lose weight more in the summer and thus tend to use more weight-loss products, while at the same time spending more time outside in the sun and applying lotions and sunscreens to their body. I suggested that she may be right but she should check with her own doctor just to be on the safe side.

6/28/00

Got an e-mail from Kelly Conklin regarding a [redacted] phone number who complained of shakes vomiting and boils. I called her back on [redacted]

6/29 she said she was 25 years old 4'10 and 122 pounds. She said she took half the recommended dosage for 2 weeks and then stopped because she "didn't like it". She did not mention the particulars of her discontent with the product when asked and made no mention of the problems of shakes, vomiting and boils. She did say she felt fine but just "didn't like the product". Finally she mentioned that she got her money back from GNC when she returned the product.

6/22/00

Got an e-mail from Kelly Conklin that a women named [redacted] phone number [redacted] called complaining that the caffeine in Xenadrine caused boils and a rash. I called her back on 7/1/00 and left a message on her machine. I left another message on her machine on 7/5/00. I left another message on her machine on 8/7/00 saying that this was my final attempt. I then got a call back from her that same day. She said that she had boils and a rash on her body and went to her doctor. She said that when she first took Xenadrine she broke out in a rash and called Kelly Conklin who told her to stop taking it and to see her doctor. She stopped taking it and in 2 weeks her rash cleared up. She then decided to start taking Xenadrine again only to develop a rash again. She called Kelly Conklin again who again told her not to take it and see her doctor. She then finally decided to see her doctor who told her the same thing that Kelly said and sent her to a dermatologist. She currently has an appointment with her dermatologist. I advised her to stick with the instructions from her doctor.

6/21/00

Got a call from [redacted] in Pittsburgh, PA phone number [redacted] who was forwarded to me by Cylodyne. He said he was taking Xenadrine once a day for three weeks then noticed that his urine got dark, his eyes got dark, and he couldn't stop itching. I told him that I did not think that this was related Xenadrine and may be due to a summertime rash, but that he should see his doctor immediately for an evaluation for a possible liver problem due to some other cause.